

TITLE 19
CRIMINAL PROCEDURE

CHAPTER 58
ADDRESS CONFIDENTIALITY FOR LAW ENFORCEMENT OFFICERS

19-5801. DEFINITIONS. As used in this chapter:

(1) "Alternative Idaho mailing address" means the address of a law enforcement officer's employing entity.

(2) "Application" means a written form prescribed and made available by the Idaho peace officer standards and training council. Such application shall contain, at minimum, all of the following:

(a) A sworn statement by the law enforcement officer's employing entity that the applicant is in fact a law enforcement officer as defined in subsection (6) of this section;

(b) A sworn statement by the law enforcement officer that names such officer's residing household member(s), if any, as defined in subsection (11) of this section;

(c) The alternative Idaho mailing address as defined in subsection (1) of this section, and the telephone number or numbers where the law enforcement officer and such officer's residing household member(s) can be contacted by the public agency; and

(d) A sworn statement by the law enforcement officer that such officer knowingly and voluntarily designates his or her employing entity as agent for purposes of service of process and receipt of first class, certified or registered mail.

(3) "County detention officer" means an employee in a county jail who is responsible for the safety, care, protection and monitoring of county jail inmates.

(4) "Custodian" as defined in section [74-101](#), Idaho Code.

(5) "Federal officer" means a special agent or law enforcement officer who is a resident of this state employed by a federal agency and who is empowered to effect an arrest with or without a warrant for violations of the United States Code and who is authorized to carry firearms in the performance of duty.

(6) "Law enforcement officer" means any current federal officer, peace officer, parole officer, probation officer, correctional officer, county detention officer and any person who prosecutes criminal cases. The term "law enforcement officer" shall not include a person who holds an elected office.

(7) "Parole officer" means an employee of the Idaho department of correction who is charged with or whose duties include supervision of parolees.

(8) "Peace officer" means any employee of a police or law enforcement agency which is a part of or administered by the state or any political subdivision thereof and whose duties include and primarily consist of the prevention and detection of crime and the enforcement of penal, traffic or highway laws of this state or any political subdivision. "Peace officer" also means an employee of a police or law enforcement agency of a federally recognized Indian tribe who has satisfactorily completed the peace officer standards and training academy and has been deputized by a sheriff of a county or a chief of police of a city of the state of Idaho.

(9) "Probation officer" means an employee of the Idaho department of correction or of the Idaho department of juvenile corrections who is charged with or whose duties include supervision of probationers.

(10) "Public agency" as is defined in section [74-101](#), Idaho Code.

(11) "Residing household member(s)" means a law enforcement officer's spouse and any child or children who currently reside at the same residential street address as such officer.

[19-5801, added 2010, ch. 225, sec. 2, p. 504; am. 2015, ch. 141, sec. 21, p. 402; am. 2017, ch. 192, sec. 11, p. 456.]

19-5802. DISCLOSURE OF RESIDENTIAL STREET ADDRESS AND TELEPHONE NUMBER PROHIBITED -- EXCEPTIONS. Notwithstanding any other provision of state law, a public agency shall not disclose to any person or entity the Idaho residential street address and telephone number of a law enforcement officer and such officer's residing household member(s) upon submission of an application and fee consistent with the provisions of section [19-5803](#), Idaho Code, except under any of the following circumstances:

(1) If directed by a court order, to a person identified in the court order;

(2) If requested by a law enforcement agency, to the law enforcement agency;

(3) If requested by a financial institution or title company for business purposes, to the requesting financial institution or title company; or

(4) If the law enforcement officer provides written permission for disclosure of such information.

[19-5802, added 2010, ch. 225, sec. 2, p. 505.]

19-5803. ADDRESS CONFIDENTIALITY -- ELIGIBILITY. (1) Law enforcement officers desiring that their Idaho residential street address and telephone number, and the Idaho residential street address and telephone number of their residing household member(s) be exempt from disclosure pursuant to this chapter and section [74-106](#)(30), Idaho Code, may submit an application and a fee, if any, to the custodian of the public record that contains such information. Upon receipt of an application and fee, the public agency shall comply with the provisions of this chapter for a period of four (4) years. Thereafter, law enforcement officers may renew the exemption by submitting a new application and fee, if any. The public agency may establish a fee schedule not to exceed the actual cost to the agency of complying with the provisions of this chapter.

(2) Law enforcement officers may submit an application to a public agency requesting that the public agency use an alternative Idaho mailing address rather than the Idaho residential street address of any such officer and of any such officer's residing household member(s) on all applications and on all identification cards, licenses, certificates, permits, tags and other similar documents that are issued to the officer or to such officer's residing household member(s) by the public agency. A public agency receiving such application shall comply with the request.

(3) A person shall cease to be eligible for an exemption under this chapter if such person ceases to be a law enforcement officer or a residing household member(s). Within thirty (30) days of such cessation, the person shall notify, in writing, every public agency to which the person has made an application stating that he or she is no longer eligible for such exemption.

If a law enforcement officer changes employment but is still eligible for an exemption under this chapter, such law enforcement officer shall, within thirty (30) days of changing employment, submit a new application to every public agency to which such officer has made an application.

(4) Nothing in this chapter shall prevent a public agency from obtaining the residential street address and telephone number of a law enforcement officer and of any residing household member(s). A law enforcement officer who has submitted an application pursuant to the provisions of this chapter shall provide his or her current Idaho residential street address to his or her employing entity.

[19-5803, added 2010, ch. 225, sec. 2, p. 506; am. 2011, ch. 151, sec. 9, p. 422; am. 2015, ch. 141, sec. 22, p. 403.]

19-5804. IMMUNITY FROM LIABILITY. Neither a public agency nor its employees, while acting within the course and scope of their employment and without malice or criminal intent, shall be liable under the Idaho tort claims act, [chapter 9, title 6](#), Idaho Code, for any injury resulting from the release of confidential information under this chapter.

[19-5804, added 2010, ch. 225, sec. 2, p. 506.]